

Union Calendar No. 355

105TH CONGRESS
2D SESSION

H. R. 8

[Report No. 105-634]

To amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. BILBRAY (for himself, Mr. BARTON of Texas, Mr. FILNER, Mr. HUNTER, Mr. CUNNINGHAM, Mr. CALVERT, Mr. BONO, and Mr. CONDIT) introduced the following bill; which was referred to the Committee on Commerce

JULY 20, 1998

Additional sponsors: Mr. RADANOVICH, Mr. DREIER, Mr. ROHRABACHER, Mr. COX of California, Mr. REYES, Mr. HERGER, Mr. DOOLITTLE, Mr. ROYCE, Mr. LEWIS of California, Mr. McKEON, and Mr. PACKARD

JULY 20, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 7, 1997]

A BILL

To amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not com-

ply with State laws governing motor vehicle emissions,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Border Smog Reduction*
5 *Act of 1998”.*

6 **SEC. 2. AMENDMENT OF CLEAN AIR ACT.**

7 *Section 183 of the Clean Air Act (42 U.S.C. 7511b)*
8 *is amended by adding the following new subsection at the*
9 *end:*

10 “(h) *VEHICLES ENTERING OZONE NONATTAINMENT*
11 *AREAS.—*

12 “(1) *AUTHORITY REGARDING OZONE INSPECTION*
13 *AND MAINTENANCE TESTING.—No noncommercial*
14 *motor vehicle registered in a foreign country and op-*
15 *erated by a United States citizen or by an alien who*
16 *is a permanent resident of the United States, or who*
17 *holds a valid visa for purposes of employment or edu-*
18 *cational study in the United States, may enter a seri-*
19 *ous, severe, or extreme ozone nonattainment area from*
20 *a foreign country bordering the United States and*
21 *contiguous to such nonattainment area more than*
22 *twice in a single 12-month period, if State law has*
23 *requirements for the inspection and maintenance of*
24 *such vehicles under the applicable implementation*

1 *plan in the nonattainment area. The preceding sen-*
 2 *tence shall not apply if the operator presents docu-*
 3 *mentation at the United States border entry point es-*
 4 *tablishing that the vehicle has complied with such re-*
 5 *quirements that are in effect and are applicable to*
 6 *motor vehicles of the same type and model year.*

7 “(2) *SANCTIONS FOR VIOLATIONS.—The Presi-*
 8 *dent of the United States may impose and collect*
 9 *from the operator of any motor vehicle who violates,*
 10 *or attempts to violate, paragraph (1) a civil penalty*
 11 *of not more than \$200, except that in any case of re-*
 12 *peated violations or attempted violations such penalty*
 13 *may not exceed \$400.*

14 “(3) *STATE ELECTION.—The prohibition set*
 15 *forth in paragraph (1) shall not apply in any State*
 16 *which elects to be exempt from the prohibition. Such*
 17 *election shall take effect upon the President’s receipt*
 18 *of written notice from the Governor of the State noti-*
 19 *fying the President of such election.*

20 “(4) *STATE ELECTION FOR OTHER NONATTAIN-*
 21 *MENT AREAS.—*

22 “(A) *IN GENERAL.—In the case of a State*
 23 *that is contiguous with a foreign country and*
 24 *that contains an ozone nonattainment area*
 25 *(other than an ozone nonattainment area to*

1 *which paragraph (1) applies), such State may*
2 *elect for the prohibition described in such para-*
3 *graph to apply in the State, or may elect to es-*
4 *tablish in accordance with subparagraph (B) an*
5 *alternative approach to facilitate the compliance,*
6 *by motor vehicles registered in foreign countries*
7 *and entering such nonattainment area, with the*
8 *motor vehicle inspection and maintenance re-*
9 *quirements in effect under the applicable imple-*
10 *mentation plan in the nonattainment area and*
11 *applicable to motor vehicles of the same type and*
12 *model year.*

13 “(B) *ALTERNATIVE APPROACH.*—*An alter-*
14 *native approach by a State under subparagraph*
15 *(A) is established in accordance with this sub-*
16 *paragraph if the Governor of the State submits*
17 *to the President a written description of such ap-*
18 *proach and the President approves the approach*
19 *as facilitating compliance for purposes of such*
20 *subparagraph.*

21 “(C) *EFFECTIVE DATE REGARDING STATE*
22 *ELECTION.*—*If a State makes an election under*
23 *subparagraph (A) for an alternative approach,*
24 *the alternative approach takes effect in the State*
25 *one year after the date on which the President*

1 *approves the approach. If the State makes the*
 2 *other election under such subparagraph, the pro-*
 3 *hibition described in paragraph (1) takes effect*
 4 *in the State 180 days after the President’s re-*
 5 *ceipt of written notice from the Governor of the*
 6 *State notifying the President of such election.*

7 “(5) *ALTERNATIVE APPROACH REGARDING SERI-*
 8 *OUS, SEVERE, AND EXTREME AREAS.—In the case of*
 9 *a State containing an ozone nonattainment area to*
 10 *which paragraph (1) applies, paragraph (4) applies*
 11 *to the State to the same extent and in the same man-*
 12 *ner as such paragraph applies to States described in*
 13 *such paragraph, subject to paragraph (3).*

14 “(6) *DEFINITION.—For purposes of this section,*
 15 *a serious, severe, or extreme ozone nonattainment*
 16 *area is a Serious Area, a Severe Area, or an Extreme*
 17 *Area as classified under section 181, respectively,*
 18 *other than any such area first classified under such*
 19 *section after the date of the enactment of the Border*
 20 *Smog Reduction Act of 1998.”.*

21 **SEC. 3. GENERAL PROVISIONS.**

22 (a) *IN GENERAL.—The amendment made by section*
 23 *2 takes effect 180 days after the date of the enactment of*
 24 *this Act. Nothing in such amendment shall be construed to*

1 *require action that is inconsistent with the obligations of*
2 *the United States under any international agreement.*

3 (b) *INFORMATION.*—*As promptly as practicable follow-*
4 *ing the enactment of this Act, the appropriate agency of*
5 *the United States shall distribute information to publicize*
6 *the prohibition set forth in the amendment made by section*
7 *2 and its effective date.*

8 **SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.**

9 (a) *IN GENERAL.*—*The Comptroller General of the*
10 *United States shall conduct a study of the impact of the*
11 *amendment made by this Act, as described in subsection*
12 *(b).*

13 (b) *CONTENTS OF STUDY.*—*The study under subsection*
14 *(a) shall compare the potential impact of the amendment*
15 *made by this Act on air quality in ozone nonattainment*
16 *areas affected by such amendment with the impact on air*
17 *quality in the same areas caused by the increase in vehicles*
18 *engaged in commerce operating in the United States and*
19 *registered in, or operated from, Mexico, as a result of the*
20 *implementation of the North American Free Trade Agree-*
21 *ment.*

22 (c) *REPORT.*—*Not later than July 1, 1999, the Comp-*
23 *troller General of the United States shall submit to the Com-*
24 *mittee on Commerce of the House of Representatives, and*
25 *the Committee on Environment and Public Works of the*

- 1 *Senate, a report describing the findings of the study under*
- 2 *subsection (a).*

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